

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARCO ZALDIVAR, on Behalf of Himself
and Others Similarly Situated,

No. C07-1695 RAJ

Plaintiff,

[PROPOSED] ORDER DENYING
MOTION TO COMPEL ARBITRATION
AND STAY CASE

T-MOBILE USA, INC.,

NOTE ON MOTION CALENDAR:
March 7, 2008

Defendant.

Oral Argument Requested

[PROPOSED] ORDER DENYING MOT.
TO COMPEL ARBITRATION AND STAY CASE
Case No. C07-1695 RAJ
001993-11 223544 v1



HAGENS BERMAN
SOBOL SHAPIRO LLP

1301 FIFTH AVENUE, SUITE 2900 • SEATTLE, WA 98101
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

THIS MATTER came before the Court on March 7, 2008 on Defendant T-Mobile USA, Inc's Motion to Compel Arbitration and Stay Case. After considering the pleadings and files on record, and after having been fully advised, the Court finds that Defendant's arbitration agreement is not valid and is unenforceable.

THEREFORE, IT IS HEREBY ORDERED, that Defendant's motion is DENIED in its entirety.

DATED this _____ day of _____, 2008

HON. RICHARD A. JONES
UNITED STATES DISTRICT COURT JUDGE

Submitted By:

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Steve W. Berman
STEVE W. BERMAN

1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com

[PROPOSED] ORDER DENYING MOT.
TO COMPEL ARBITRATION AND STAY CASE - 1
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HAGENS BERMAN
SOBOL SHAPIRO LLP

1301 FIFTH AVENUE, SUITE 2900 • SEATTLE, WA 98101
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

1 Jeff D. Friedman (*Pro hac vice*)
2 Shana E. Scarlett (*Pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
3 715 Hearst Avenue, Suite 202
Berkeley, CA 94710
4 Telephone: (510) 725-3000
Facsimile: (510) 725-3001
5 jefff@hbsslaw.com
shanas@hbsslaw.com

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7 Attorneys for Plaintiff

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[PROPOSED] ORDER DENYING MOT.
TO COMPEL ARBITRATION AND STAY CASE - 2
Case No. C07-1695 RAJ
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HAGENS BERMAN
SOBOL SHAPIRO LLP

1301 FIFTH AVENUE, SUITE 2900 • SEATTLE, WA 98101
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

1 CERTIFICATE OF SERVICE

2 I hereby certify that on February 14, 2008, I electronically filed the foregoing with the
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-
4 mail addresses registered, as denoted on the attached Electronic Mail Notice List, and I hereby
5 certify that I have mailed the foregoing document or paper via the United States Postal Service to
6 the non-CM/ECF participants indicated on the attached Manual Notice List.

7
8 _____ /s/ Steve W. Berman
9 STEVE W. BERMAN

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[PROPOSED] ORDER DENYING MOT.
TO COMPEL ARBITRATION AND STAY CASE - 3
Case No. C07-1695 RAJ
001993-11 223544 V1



Mailing Information for a Case 2:07-cv-01695-RAJ

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Steve W. Berman**
steve@hbsslaw.com,heatherw@hbsslaw.com,carrie@hbsslaw.com
- **Jeffrey D Friedman**
jefff@hbsslaw.com,nancyq@hbsslaw.com,sf_filings@hbsslaw.com
- **James C. Grant**
james.grant@stokeslaw.com,sharon.damon@stokeslaw.com
- **Karolyn Ann Hicks**
kah@stokeslaw.com,gno@stokeslaw.com
- **Scott A.W. Johnson**
sawj@stokeslaw.com,wah@stokeslaw.com
- **Reed R Kathrein**
reed@hbsslaw.com,nancyq@hbsslaw.com,sf_filings@hbsslaw.com
- **Shana E Scarlett**
shanas@hbsslaw.com,nancyq@hbsslaw.com,sf_filings@hbsslaw.com

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- (No manual recipients)